

1 Sonya D. Winner, SB # 200348  
2 David M. Jolley, SB # 191164  
3 Margaret G. May, SB # 234910  
COVINGTON & BURLING LLP  
4 One Front Street  
5 San Francisco, CA 94111  
Telephone: (415) 591-6000  
Facsimile: (415) 591-6091  
E-mail: mmay@cov.com

**6** Attorneys for Defendant  
**WELLS FARGO BANK, N.A.**

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

VERONICA GUTIERREZ, *et al.*

## Plaintiffs.

V.

WELLS FARGO & COMPANY, *et al.*,

## Defendants.

Civil Case No.: CV-07-5923 WHA (JCSx)

**DEFENDANT WELLS FARGO BANK,  
N.A.'S ADMINISTRATIVE REQUEST  
AND SUPPORTING DECLARATION OF  
DAVID M. JOLLEY TO FILE UNDER  
SEAL PORTIONS OF PLAINTIFFS'  
REPLY IN SUPPORT OF THEIR  
MOTION FOR CLASS CERTIFICATION**

*[Filed in connection with Plaintiffs' August 7, 2008, Administrative Request to File Under Seal Portions of Plaintiffs' Reply in support of their Motion for Class Certification]*

Date: August 21, 2008  
Time: 8:00 a.m.  
Courtroom: 9

Honorable William H. Alsup

## ADMINISTRATIVE REQUEST

Pursuant to Civil Local Rule 79-5 and this Court's Standing Order for Cases Involving Sealed or Confidential Documents, defendant Wells Fargo Bank, N.A. ("Wells Fargo") hereby requests that the Court authorize filing under seal portions of plaintiffs' Reply in support of their Motion for Class Certification.

For the reasons set forth in the accompanying Declaration of David M. Jolley, good cause exists for filing under seal the following portions of plaintiffs' Reply in support of their Motion for Class Certification:

- (a). Page 1, line 8 (estimated dollar amount);
  - (b). Page 4, lines 12, 14 (estimated dollar amounts);

This request is narrowly tailored, as it seeks to seal only the very limited portions of plaintiffs' Reply in support of their Class Certification Motion related to non-public confidential Wells Fargo financial information. The remainder of plaintiffs' reply brief and supporting documents will be publicly filed with the Court.

For these reasons, Wells Fargo asks the Court to grant this administrative request.

DATED: August 13, 2008

COVINGTON & BURLING LLP

By: \_\_\_\_\_ /s/  
David M. Jolley  
Attorneys for Defendant  
WELLS FARGO BANK, N.A.

**DECLARATION OF DAVID M. JOLLEY**

I, David M. Jolley, declare as follows:

1. I am an attorney in the law firm of Covington & Burling LLP, counsel of record for defendant Wells Fargo Bank, N.A. (“Wells Fargo”) in this action. I am licensed to practice law in the State of California. The matters set forth herein are true and correct of my own personal knowledge and information provided to me. If called as a witness, I could and would testify competently thereto.

2. After reviewing the Wells Fargo information included in and attached to the papers submitted by plaintiffs in connection with their reply in support of their non-dispositive motion for class certification, it is apparent that good cause exists to file under seal the following limited portions of plaintiffs' reply brief:

- (a). Page 1, line 8 (estimated dollar amount);
  - (b). Page 4, lines 12, 14 (estimated dollar amounts).

# **REASONS WHY GOOD CAUSE EXISTS**

3. The identified text in Items (a) and (b) listed above discloses Wells Fargo's confidential non-public financial information. Such information is typically maintained as confidential within the consumer banking industry, and Wells Fargo's competitors maintain such information as confidential. Disclosure of this information would put Wells Fargo at a competitive disadvantage.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed on August 13, 2008, in San Francisco, California.

/S/

David M. Jolley